

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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'08 MJ 1044

UNITED STATES OF AMERICA,

Plaintiff,

v.

Oscar Joazhino DOMINGUEZ-Baltazar,

Defendant

) Magistrate Docket No.  
) CLERK, U.S. DISTRICT COURT  
) SOUTHERN DISTRICT OF CALIFORNIA

) COMPLAINT FOR VIOLATION OF:  
) DEPUTY

) Title 8, U.S.C., Section 1326

) Deported Alien Found in the

) United States

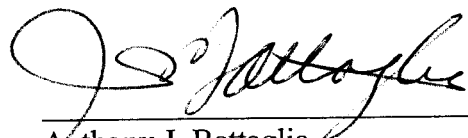
The undersigned complainant, being duly sworn, states:

On or about **April 3, 2008** within the Southern District of California, defendant, **Oscar Joazhino DOMINGUEZ-Baltazar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF APRIL 2008.

  
\_\_\_\_\_  
Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Oscar Joazhino DOMINGUEZ-Baltazar**

**PROBABLE CAUSE STATEMENT**

On April 3, 2008, Border Patrol Agent E. Berry and J. Melendrez were conducting their assigned duties in the Campo, California area of operations. At approximately 9:15 a.m., a report was put out via agency radio that the National Guard had observed a red Dodge Ram with a California license plate pull over to the side of Buckman Springs Road in an area known as "Hook's Bridge" and drop off suspected illegal aliens. The vehicle continued north on Buckman Springs Road. This area is located approximately ten miles east and ten miles north of the Tecate, California Port of Entry at the U.S./Mexico International Border.

At approximately 9:20 a.m., Agents Berry and Melendrez observed a red truck matching vehicle's description driving eastbound on Interstate 8 past Buckman Springs Road. At approximately 9:25 a.m., the Agents then observed the vehicle parked at the gas pumps of the Golden Acorn Casino and did not observe the driver near the vehicle. The Agents asked a customer nearby if he had seen where the driver went. The customer informed them that the driver and a passenger had exited the vehicle and went into the casino gas store. Agent Melendrez walked towards the entrance and observed an individual that he had previously encountered.

Agent Melendrez identified himself as a Border Patrol Agent and questioned him as to his citizenship and whether he was driving the red Dodge Ram. The subject stated he was a United States citizen and had been driving the vehicle. He also had the keys to the red Dodge Ram in his possession. At that time, Agent Melendrez placed the driver under arrest for Alien Smuggling.

At approximately 9:30, Agent Berry entered the casino store in an attempt to locate the passenger. Agent Berry approached Golden Acorn Casino Security Supervisor D. Baker and asked him if he could check the security cameras in order to get a description of the passenger and verify the identity of the driver of the red Dodge Ram. Supervisor Baker agreed, and after reviewing the tapes, he described both the driver and passenger. The driver matched the description of the individual Agent Melendrez arrested, and the passenger had a blue t-shirt over a long sleeved gray shirt and blue jeans.

Moments later, an individual walked by Agent Berry matching the description of the passenger. Agent Berry approached the individual, and identified herself as a United States Border Patrol Agent and questioned him as to his citizenship and whether he had been a passenger in the red Dodge Ram parked at the gas pumps. The individual later identified as the defendant **Oscar DOMINGUEZ-Baltazar, aka: Oscar Joazhino DOMINGUEZ-Baltazar** did not respond. Agent Berry asked the security officers in the camera room to take a look at the individual and they identified him as the passenger of the red Dodge Ram.

Agent Berry again asked the defendant his citizenship and he admitted he was a citizen and national of Mexico illegally present in the United States. The defendant was placed under arrest. Agent Berry was allowed to review the camera tapes of the gas pumps and the gas store. On the tape, Agent Berry was able to identify both the driver and the defendant as the passenger of the red Dodge Ram exit the vehicle and enter the casino gas store. Both individuals were transported to Campo Station for further processing.

**CONTINUATION OF COMPLAINT:**  
**Oscar Joazhino DOMINGUEZ-Baltazar**

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 13, 2008** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.